

TOWNSHIP OF IOSCO - ANTI-BLIGHT AND ANTI-NUISANCE ORDINANCE

An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 of the Public Acts of 1939, as amended, to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in Iosco Township; to preserve, promote and protect the health, safety and general welfare of the persons and property within the township; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

The Township of Iosco, County of Livingston, State of Michigan ordains:

SECTION 1.0 TITLE

This Ordinance shall be known and cited as the Iosco Township Anti-Blight and Anti-Nuisance Ordinance.

SECTION 2.0 PURPOSE

It is the purpose of this Section to prevent, reduce and eliminate blight, blighting factors and nuisances in the township by preventing or eliminating certain conditions and uses of land and buildings and structures in the township which cause blight or nuisance. These conditions and uses may now exist or may in the future exist within the township.

SECTION 3.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF
PROHIBITED

All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited upon all property in the township and shall constitute illegal nonconforming uses to be abated. No owner, occupant or other person shall permit any such uses to exist upon any property in the township.

SECTION 4.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF

The following conditions and uses of land, building and structures are determined to be blight, blighting factors, or nuisances, or causes thereof, which will result in blighted and undesirable neighborhoods or which will result in public nuisances unless abated:

- A. The keeping, maintaining or storage of junk automobiles, trucks, trailers, boats, etc. A junk automobile is defined as including, but not necessarily limited to, any automobile which is not licensed for use upon the highways of the State of Michigan for a period in excess of six (6) months or, whether or not licensed, not operable, for any reason, for a period in excess of sixty (60) days, unless otherwise permitted pursuant to the provisions of this ordinance. There is excepted from this definition operative

vehicles kept as the stock in trade of a regularly licensed and established new or used dealer in said vehicles. Such vehicles upon the premises of a motor vehicle repair garage are also excepted.

- B. The keeping, maintaining, accumulating or storage of junk, trash or litter. Junk, trash and/or litter is defined as including:
1. Building materials, unless there are in force valid land use and building permits with respect to construction taking place upon the property, and the materials are intended for use in such construction. Building materials are defined as including, but not necessarily limited to lumber, bricks, concrete or cinder blocks, plumbing pipe and material, electrical wiring and equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, windows, glass and any other substance or material used in the construction of buildings.
 2. Parts of machinery or automobiles unrelated to equipment being used for agricultural pursuits.
 3. Remnants of wood, other than that which constitutes building material or is cut and stacked for heating use.
 4. Unused, abandoned, or discarded stoves, refrigerators, televisions and other appliances.
 5. Scrap material of every kind, such as, but not necessarily limited to, copper, brass, rope, rags, batteries, paper, boxes, rubber, iron, steel, metal shavings, metal scrap or scrap metal in any other form.
 6. Broken glass or any other dangerous pointed or edged substances.
 7. Refuse, garbage, waste, dead animals, accumulation of ashes, branches, leaves or yard clippings or any noxious material.
- C. Any well or cistern which is not sufficiently covered so as to prevent access by any person or which is not fenced with a good and substantial fence of a height of not less than four (4) feet.
- D. Any hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access by any person or is not fenced with a good and substantial fence to a height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty (60) days has elapsed from the date of the commencement of digging and excavation.
- E. Any building or structure, or portion thereof, which is unoccupied and which is unguarded or open at any door or window or any other portal or opening permitting ingress, its windows to be glazed and

- locked or boarded up and its doors to be locked or boarded up to prevent ingress and all other portals to be boarded up to prevent ingress.
- F. Any dwelling which does not have adequate facilities for the disposal of human excreta or other sewage.
 - G. Any dwelling which does not have available within, or upon its premises, a sufficient source of clean water which could be reasonably expected to meet the needs of persons residing within.
 - H. Any building or structure, or portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is no longer reasonably and safely useful for any other purpose for which it was originally intended.
 - I. Any building or structure, or any portion thereof, which constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.
 - J. Any building or structure, or any portion thereof, which due to any one or more of the conditions of this ordinance cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance, at a cost less than its state equalized value.
 - K. Storage or accumulation of trash, rubbish, junk, or junk vehicles on any private property in the township except within a completely enclosed building or upon the premises of a properly zoned or legally operating, licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk, operator of an automobile repair garage and/or automobile wrecker business.

SECTION 5.0 ENFORCEMENT OFFICER

The Iosco Township Zoning Administrator and the Iosco Township Constable, as enforcement officers, and the Iosco Township Board are charged with the enforcement of this Ordinance.

SECTION 6.0 ENFORCEMENT PROCEDURES

- 6.1 Whenever any alleged violation or any section of this Ordinance shall come to the attention of the Township Zoning Administrator and/or Township Supervisor (hereinafter referred to as administrator), the administrator shall cause an investigation of said allegation to be made. The investigation shall include an inspection of the alleged violation site by the administrator, and if such investigation and inspection verifies that a violation of this Ordinance is occurring, the administrator shall prepare a written notice in a form approved by the Township Board. The

notice shall include the following information and shall have a copy of this Ordinance attached to it.

- A. The date of the inspection of the violation site.
 - B. The name or names of the individual or individuals having made the inspection.
 - C. A statement of the section of this Ordinance to which there is alleged to be a violation and a statement of the facts upon which the administrator bases the conclusion that a violation is occurring.
 - D. A statement of the date by which the actions required to be taken to correct or abate the alleged violation must be taken, such date to be not less than fourteen (14) days, but not to exceed thirty (30) days, from the date upon which the notice is served.
 - E. Notice that the administrator's determination may be appealed to the Township Board by written appeal delivered within fourteen (14) days of the date of service of this notice to Iosco Township Hall, 2050 Bradley Road, Webberville, Michigan, 48892. A form for such written appeal shall be made part of the notice.
 - F. A statement that a copy of this Ordinance is attached to the notice.
- 6.2 The notice required in the preceding section shall be served to the owner and/or occupant by the Township Constable and/or Zoning Administrator. The notice may be served by certified letter to the owner as he appears on the tax rolls of the Township or may be served upon the occupant personally. Service shall be as follows:
- A. To any person to whom the notice is directed by personally calling upon said person at his or her residence for the purpose of personally delivering a copy of the notice to said person or by mailing said notice by certified mail. The date of service shall be deemed to be the date of personal service of the notice or 48 hours after the time and date of postage in the case of certified mail.
 - B. If a person to whom the notice is directed cannot be served by either a personal call or certified letter, the notice shall be posted on the premises upon which the violation of this Ordinance is alleged to be occurring by securely attaching it to the front door of the dwelling. If there is another door or, if there be no dwelling upon the premises, then a copy of the notice shall be securely attached upon or at the main entrance to any other building or structure upon the premises. If there be more than two (2) such buildings or structures upon the premises, a copy of the notice shall be securely attached to two (2) such buildings or structures upon or at

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the main entrances. The date of service shall be deemed to be the date of the posting of the notice.

- C. A copy of the notice shall be delivered to the office of the Township Supervisor.

6.3 In the event that a person to whom the notice is directed appeals the notice as provided for herein, or action has not been taken as required by said notice to correct and abate the violations alleged within the time specified in said notice, the Township Board shall set a date for a hearing before the Township Board. At the hearing, a determination shall be made by the Township Board as to whether any violation of this Ordinance is occurring upon the premises in question and, if so, to what extent and what enforcement action shall be taken to correct and abate such violation. In such case, the Township Board shall cause a notice of hearing to be prepared and served according to the terms and provisions applicable to service of the notice required by Section 6.2. The notice shall be served not less than ten (10) days prior to the hearing. The notice of hearing shall provide the following information:

- A. The date, time and place of hearing.
- B. The original notice required by Section 6.2, a copy of this Ordinance and a notice of hearing setting forth:
 - 1. The sections alleged to be violated.
 - 2. The factual allegations to support thereof.
 - 3. The actions required to be taken to correct or abate the alleged violation.
- C. A statement that the person shall have the right at the hearing to:
 - 1. Question or cross examine any and all persons who give evidence against him or her with respect to the alleged violation of this Ordinance.
 - 2. To produce witnesses on his or her behalf and to question such witnesses or otherwise have them give evidence in his or her support.
 - 3. The right to present any other evidence, in addition to witnesses, which he or she may desire to present.

6.4 In the event that, at the hearing, the Township Board determines that a violation of this Ordinance exists, the Board shall:

- A. Determine the remedial actions necessary to effectuate compliance with this Ordinance and the actions necessary to correct and abate the violation thereof.

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B. In the event that the owner or occupant of the premises demonstrates that he or she cannot or will not effectuate the necessary remedial actions to correct and abate the violation of this Ordinance either by effectuating said remedial actions within the time limits set by the Board, or otherwise, then the Board may, by resolution, cause said remedial actions to be taken at the Township's expense. The cost of remedial actions, including attorney fees and court costs, if court action results, shall be assessed against the premises in question in the same manner and form as a special assessment against the property and the same shall constitute a lien thereon in favor of the Township.

6.5 In no event shall the Board require any building or structure, or partially completed structure, to be destroyed or removed from the premises unless the cost of repair or completion, as the case may be, of the same would be greater than its state equalized value.

6.6 Nothing in this Ordinance shall prohibit or be construed to prohibit the Township of Iosco from proceeding in a court of competent jurisdiction to cause a violation of this Ordinance to be abated, nor to charge any violation of this Ordinance as a misdemeanor as provided for herein.

SECTION 7.0 MISDEMEANOR: PENALTY

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than five hundred (500.00) dollars or to imprisonment for a period of not more than ninety (90) days, or both, plus costs or prosecution.

SECTION 8.0 EFFECTIVE DATE

This Ordinance will become effective thirty days after the first publication in the Livingston County Press.